



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

GK/KCB/DEL/SMF
F. #2018R01401

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 10, 2024

By ECF

The Honorable Diane Gujarati
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Cherwitz, et al.
Criminal Docket No. 23-146 (DG)

Dear Judge Gujarati:

The government writes in connection with its request, pursuant to the Court's Individual Rule III.C, for permission to file excess pages in its memorandum of law in support of its motions in limine in advance of trial, which is scheduled to commence on January 13, 2025. As the government previewed for the Court at the September 27, 2024 conference in this case, and in its October 9, 2024 request, additional pages are required to sufficiently present the Court with arguments concerning the admission and preclusion of certain evidence and argument at trial in this multi-defendant case involving a forced labor conspiracy that spanned more than a decade.

More specifically, the government's anticipated motions will include a significant statement of facts, setting forth anticipated witness testimony and other evidence regarding the decades-long forced labor conspiracy in this case; and briefing on numerous evidentiary issues that the government anticipates may arise at trial, including the relevance of evidence the government intends to admit as direct evidence in its case-in-chief, and the admission of such evidence for other proper purposes; party admissions by the defendants, their agents and their co-conspirators; admission of non-hearsay evidence, such as commands and instructions; admission of contemporaneous statements under various hearsay exclusions, including the state of mind, present sense impression and excited utterance hearsay exclusions; and the authentication of several different types of materials. In addition, the government intends to seek to preclude improper cross-examination on a variety of topics, and to preclude improper arguments that the government anticipates, based on the lengthy pretrial record to date, the defendants may seek to make at trial. Finally, the government anticipates providing the Court with law pertaining to the government's request seeking to have a number of its witnesses testify at trial using pseudonyms.

The government is making efforts to anticipate and concisely brief these numerous issues prior to the commencement of trial in an effort to more efficiently present the government's trial evidence to the jury and minimize litigation and subsequent rounds of motion practice close in time to trial. Indeed, a significant portion of the government's anticipated brief is a statement of evidence that the government intends to admit at trial in an effort to put the defendants and the Court on notice of potential evidentiary issues that may arise, thus increasing overall judicial economy. Indeed, in a recent meet-and-confer with defense counsel, the government understands that a more fulsome presentation of the government's facts will further aid these goals.

To accomplish these goals, the government respectfully requests permission to file a memorandum of law in support of its motions in limine in excess of the Court's 25-page limit, and specifically, a brief not to exceed 130 pages. The defendants consent in this request.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/
Sean M. Fern
Gillian Kassner
Kayla C. Bensing
Devon E. Lash
Assistant U.S. Attorneys
(718) 254-7000